

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re: **ANGELO L. KING,**

Chapter 13

Debtor(s).

Case No. 17-27468-BEH

NOTICE AND REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

Angelo King has filed papers with the court requesting amendment of the unconfirmed Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for a hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Paul Strouse
d/b/a Strouse Law Offices
413 N. 2nd Street, Suite 150
Milwaukee, WI 53203

If you or your attorney do not take these steps, the court may decide that you do not

Address
413 N. 2nd Street., Suite 150
Milwaukee, WI 53203
Telephone: (414) 390-0820
Fax: (414) 220-5115
strouselawoffices@gmail.com

oppose the request and may enter an order modifying the Plan

REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

1. This request to amend an unconfirmed Chapter 13 Plan **SUPERSEDES ALL PRIOR REQUESTS TO AMEND THE PLAN AND INCLUDES ALL PROPOSED AMENDMENTS. TERMS NOT FULLY STATED HERE OR IN THE ORIGINAL PLAN ARE NOT PART OF THE PLAN.**

2. Service. A certificate of service must be filed with the amendment. Designate one of the following:

A. A copy of this proposed amendment has been served on the trustee, United States trustee and all creditors, or

B. X A motion requesting limited service is being filed simultaneously with the Court.

3. The Chapter 13 Plan filed with the Court is amended as follows:

A. The Debtor is amending his plan with regard to the mortgage belonging to Ditech Financial, LLC secured by non-homestead property located at 4101 West Roosevelt, Milwaukee, Wisconsin 53216, since the value of the property, which is \$36,000.00, is far less than the amount owed on the aforementioned mortgage, which is \$64,037.15, the Debtor will bring an adversary proceeding to eliminate, under Sections 11 U.S.C. 506(a), 1322 (b)(2) and 1325(a)(5)(B)(ii) the portion of the Mortgage's lien above \$36,000.00. The debtor will pay this amount in full over the life of the plan at the rate of 5.00% simple interest for a final payout of \$40,740.00.

Upon the completion of all payments required by the chapter 13 plan and the receipt of a discharge in this chapter 13 case, the defendant's mortgage upon the property located at 4101 West Roosevelt, Milwaukee, WI 53216, shall be deemed avoided and released and a document evidencing such release shall be provided by the defendant, which document may be recorded at the county register of deeds office.

In the event the defendant does not release the mortgage in accordance with the terms of the preceding paragraph, then the plaintiff may cause a certified copy of the order approving this stipulation to be recorded with the county register of deeds office. This recording shall constitute a complete and full release of the defendant's mortgage upon the property.

In the event the plaintiff's chapter 13 case is dismissed or converted prior to the completion of all payments required by the chapter 13 plan, payments required by the terms of this stipulation and the receipt of a non-hardship discharge in this chapter 13 case, any order entered in this adversary proceeding avoiding the defendant's mortgage will be null and void and the defendant's mortgage will remain fully enforceable against the property pursuant to 11 U.S.C. §349(b)(1)(C).

The plaintiff shall timely pay all real estate taxes that become due on the property and maintain hazard insurance on the property at all times. The defendant shall be named on the insurance policy as a co-payee in the event of a loss. In the event the plaintiff fails to timely pay all real estate taxes that become due on the property or fails to maintain insurance on the property, the creditor may impose an escrow account and force-place insurance on the property and seek other remedies as provided by the mortgage, the Bankruptcy Code and/or non-bankruptcy law.

If the defendant must advance its own funds to pay the real estate taxes and/or hazard insurance due to the plaintiff's failure to do so, the amount of each such advance shall be a secured claim which shall be paid in full over the duration of the plaintiff's chapter 13 plan.

B. The Debtor is amending his plan to pay Ditech Financial, LLC on its secured supplemental claim for post-petition escrow advances in the amount of \$1,975.44.

C. The Debtor is amending his in order to \$350.00 bi-weekly by payroll deduction from his wages with Columbia St. Mary's Inc.

Payroll Information:

Columbia St. Mary's Inc.
ATTN: Payroll
4425 North Port Washington Road
Milwaukee, WI 53212

In addition to the above-mentioned wage assignment, the debtor will pay an additional \$240.00 a month directly to the trustee for the life of the plan.

All remaining terms of the original Chapter 13 Plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment control.

WHEREFORE, each Debtor requests that the Court approve this proposed amendment to the original Chapter 13 Plan.

CERTIFICATION

The Debtor's attorney must sign this certification. A Debtor represented by an attorney may sign this certification. If the Debtor does not have an attorney, the Debtor must sign this certification.

The provisions in this Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted February 25th, 2018.

/s/Angelo L. King

Debtor

Strouse Law

Attorneys for Debtor

By: /s/Paul A. Strouse

Attorney Paul A. Strouse

Bar No. 1017891

Address

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